IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION No. 12623 of 2005

Between:

Pawan Towers Residents Association, Fathima Nagar,

Kazipet, Warangal, Rep by its President S. Pratap Reddy,

S/o. Chinnapa Reddy, aged 43 years,
Occ :Employee, R/o Flat No. A-1, Pawan Towers,

Fathimagar, Kazipet, Warangal District.

..... PETITIONER

AND

1 The Commissioner, Municipal Corporation, Warangal.
2 Director, Ground Water Department, Hyderabad.
3 Deputy Director, Ground Water Department, Warangal.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more particularly one in the nature of Writ of Mandamus declaring that the action of the respondents in not permitting the residents of the Pawan Towers, Fathima Nagar, Kazipet, Warangal District to dig a bore well for creating drinking water source to them pursuant to the directions of the Hon'ble Minister for Lift irrigation, Ground Water Development and etc., is highly arbitrary, bad and illegal and pass such other order or orders as deem fit and proper.

Counsel for the Petitioner: MR.P.PRABHAKAR REDDY

Counsel for the Respondent No.1: MR V.DURGA NAGESWARARAO

Counsel for the Respondent Nos.2 and 3: GP FOR MEDICAL HEALTH & FAMI.WELFARE

The Court at the stage of admission made the following:

ORDER:

Seeking Writ of Mandamus, declaring the action of the respondents in not permitting the residents of the Pawan Towers, Fathima Nagar, Kazipet, Warangal District to dig a bore well for creating drinking water source to them, as illegal and arbitrary, the present writ petition is filed.

It is submitted that the members of the petitioner association made a representation to the 1st respondent on 09.06.2005, requesting him to grant permission to dig a bore well in their locality as the existing bore well was dried up, and the said application was forwarded to the

3rd respondent for consideration, but the 3rd respondent has not passed any orders thereon, and hence the petitioner association is constrained to file this writ petition.

Heard the learned counsel appearing for the petitioner and the learned Government Pleader for Medical, Health and Family Welfare.

A person who intends to sink a well or bore well for the purpose of irrigation or drinking water or for any other purpose, he has to make an application to the concerned authority under Section 8 of A.P.Water, Land and Trees Act, 2002 by paying prescribed fee, and further it is for the authority to dispose of the said application within 45 days after obtaining advice of the Technical Officer, as contemplated under Section 10(3) of the said Act.

It is submitted by the learned counsel for the petitioner that the existing bore well was completely dried up and the residents of the petitioner association are facing much trouble for drinking water.

Having regard to the facts and circumstances as explained by the petitioner, I deem it appropriate to give a direction to the 3rd respondent to consider the representation of the petitioner association dated 09.06.2005 and pass appropriated orders thereon, in accordance with law, within a period of two weeks from the date of receipt of a copy of this order.

With the above direction, the Writ Petition is disposed of. No order as to costs.

Dated: 15.06.2005

Dsr

ASSISTANT REGISTRAR

To:

1. The Commissioner,

Municipal Corporation, Warrangal

2. The Director,

Ground Water Department, Hyderabad

3. The Deputy Director,

Ground Water Department, Warangal

4. Two CCs to the Government Pleader for

Medical, Health and Family Welfare,

High Court Buildings, Hyderabad (OUT)

5. Two CD copies

6. 1 CC to MR.PRABHAKAR REDDY